

PLANNING BOARD & PLANNING DEPARTMENT

Fiscal Year 2013

INTRODUCTION

This report summarizes the land use, planning, and zoning activities of the Amherst Planning Board and Planning Department during Fiscal Year 2013. In FY 13, in addition to the Planning Board, the Planning Department also provided principal staff support for the Zoning Board of Appeals, Design Review Board, Historical Commission, Local Historic District Study Committee and Local Historic District Commission, Town/Commercial Relations Committee, Amherst Redevelopment Authority, the Community Development Advisory Committee, the Housing and Sheltering Committee and Disability Access Advisory Committee. Please also refer to the Annual Report for each of those Boards and Committees for more information on their activities.

CURRENT PLANNING

As in previous years development issues, permit applications, and Zoning Amendments (including amendments related to Master Plan implementation) occupied much of the time of the Board and Department during FY 13.

Table 1 provides a statistical review of the Department's activities, including the various permits it oversees, and zoning and other regulatory changes.

Table 1

<u>Planning Board – Land Use & Zoning Activity</u>		
A.	<u>Review & Action</u>	<u># of Applications</u>
1.	Planning Board Special Permits	1
2.	Form A (Approval Not Required) Subdivisions	15
3.	Cluster Subdivision	0
4.	Standard Subdivision	0
5.	Subdivision Amendments	0
6.	Subdivision Lot Releases	0
7.	Subdivision/Site Plan Escrow Releases	0
8.	Street Name Changes	0
9.	Site Plan Review Requests	13
10.	Sign Plans Approved/Signs Reviewed	4
11.	Lighting Plans Approved	0
12.	Revised Final and/or Landscape Plans Approved	0
13.	Scenic Road Applications Reviewed	3
14.	Ch. 61 Removals Reviewed	1
15.	Ch. 61A Removals Reviewed	0
B.	<u>Review & Recommendation</u>	
1.	Zoning Amendments	19
2.	Rules & Regulations Amendments	1
3.	ZBA Special Permits/Variations	29
4.	Street Acceptances	2
5.	Street Discontinuances	1

Some of the more significant planning development proposals and issues of FY 13 included the following:

Commercial/Institutional

- Site Plan Review approval renovation of the parking lot behind Town Hall
- Site Plan Review approval for a 3-story mixed-use building at Amherst Office Park on West Street
- Site Plan Review approval for construction of an addition to the Unitarian Universalist Society building in downtown Amherst.

Zoning Amendments

The Zoning Subcommittee and Planning Department staff worked on nineteen (19) Zoning Amendments during FY 13 and held two Zoning Forums to solicit citizen input and recommendations on desired zoning changes.

Ultimately seventeen (17) Zoning Amendments were reviewed by the Planning Board; fifteen (15) were brought to Town Meeting; twelve (12) were adopted by Town Meeting and one was divided into thirds with two-thirds adopted by Town Meeting and one-third defeated, and two (2) amendments were defeated:

- Water Supply Protection District – Article 10, Fall 2012 Special Town Meeting Warrant, to amend Section 3.1, Restricted Uses – All Districts and Section 3.24, Watershed Protection (WP) District by adding a requirement that any use of land or related activities located near a public water supply source be subject to the provisions of 310 CMR 22, as amended, was adopted by Town Meeting on 11/26/12.
- Lodging or Boarding House Definition – Article 11, Fall 2012 Special Town Meeting Warrant, to amend Article 12, Definitions, to add a definition for Lodging or Boarding House, was adopted by Town Meeting on 11/26/12.
- Single Family Dwellings – Article 12, Fall 2012 Special Town Meeting Warrant, to amend Section 3.320 to create two separate categories of single family dwelling and to regulate single family dwellings being rented to groups of unrelated persons under different permitting requirements as a commercial enterprise, was defeated by Town Meeting on 11/26/12.
- Two Family Dwellings – Article 13, Fall 2012 Special Town Meeting Warrant, to amend Section 3.321 and Article 12, Definitions, to create two use categories for duplexes on the basis of owner occupancy and to amend existing definitions and add new definitions pertaining to residential uses, was adopted by Town Meeting on 11/26/12.
- Converted Dwellings – Article 14, Fall 2012 Special Town Meeting Warrant, to amend Section 3.3241 and Article 12, Definitions, to clarify the definition of converted dwelling as a residential use category, to modify selected dimensional requirements for conversion of existing residential buildings and outbuildings, and to adjust permitting requirements for converted dwellings containing different numbers of dwelling units, was adopted by Town Meeting on 11/28/12.
- Residential Zoning Definitions – Article 15, Fall 2012 Special Town Meeting Warrant, to amend Article 12, Definitions, to amend existing definitions and add selected new

definitions for terms associated with residential uses, was adopted by Town Meeting on 11/26/12.

- Two Family Detached Dwellings (petition) – Article 16, Fall 2012 Special Town Meeting Warrant, to amend Standards and Conditions of Section 3.321 to reclassify certain categories of two family dwellings as Converted Dwellings or Supplemental Apartments, was defeated by Town Meeting on 11/28/12.
- Converted Dwellings (petition) – Article 17, Fall 2012 Special Town Meeting Warrant, to amend the Standards and Conditions of Section 3.3241, to require owner occupancy in all instances, to require screening of associated parking lots and to establish specific methods of enforcement for violation of the owner occupancy requirement, was adopted by Town Meeting on 11/28/12.
- Converted Dwellings – Article 30, 2013 Annual Town Meeting Warrant, to amend Standards and Conditions 6 and 13 of Section 3.3241, to clarify the requirements for rental property management, was adopted by Town Meeting on 6/3/13.
- Mixed Use Buildings Standards & Conditions – Article 31, 2013 Annual Town Meeting Warrant, to amend Standards and Conditions for Section 3.325 to increase the number of upper floor dwelling units permitted in a mixed use building by right, allow dwelling units on the first floor and increase the first floor area supporting upper floor residential uses, was adopted by Town Meeting on 6/3/13.
- Mixed Use Center District Dimensions – Article 32, 2013 Annual Town Meeting Warrant, to amend Article 6 and Table 3, Dimensional Regulations, and associated Footnotes to increase potential density and add flexibility to dimensional standards in the Limited Business (B-L), Commercial (COM), Village Center Business (B-VC) and General Business (B-G) Districts, was divided by Town Meeting; changes related to the method of measurement for height of buildings were adopted; dimensional changes in the B-VC and B-G Districts were adopted; dimensional changes in the B-L and COM Districts were defeated; these actions were taken by Town Meeting on 6/10/13.
- Non-conforming Structures – Article 33, 2013 Annual Town Meeting Warrant, to amend Sections 9.20 and 9.22 to define structural alteration, allow the Zoning Enforcement Officer to grant selected changes to dimensionally non-conforming buildings in mixed use center districts, to relieve conforming changes occurring within a non-conforming building to proceed without an additional Special Permit, and to allow the board granting the permit for the principal use to also grant any Special Permit needed for a change in the non-conformity, was adopted by Town Meeting on 6/10/13.
- Fraternity Residence (R-F) Dimensions – Article 34, 2013 Annual Town Meeting Warrant, to amend Table 3, Dimensional Regulations, to allow for modification of specific dimensions – building coverage, lot coverage and maximum height, under a Special Permit in the Fraternity Residence (R-F) District, was adopted by Town Meeting on 6/10/13.
- Locational Requirements for Non-conforming Structures in Mixed Use Centers – Article 35, 2013 Annual Town Meeting Warrant, to amend Article 9, Non-conforming Lots, Uses and Structures, by adding a new Section 9.3 which establishes design requirements for changes to non-conforming structures in the B-G, B-L, B-VC, B-N and COM Districts, was adopted by Town Meeting on 6/10/13.

- Amendment to Official Zoning Map (Petition) – Article 36, 2013 Annual Town Meeting Warrant, to amend the official Zoning Map to change the zoning designation on Assessor's parcels 14B-250 and 14B-251 from General Residence (R-G) to Neighborhood Business (B-N), was adopted by Town Meeting on 5/22/13.

MASTER/COMMUNITY PLANNING

Efforts continued on a number of long-range planning issues, while new issues and projects also involved the time and attention of the Planning Board and Planning Department.

Housing Production Plan

During FY 13 the Planning Department and Planning Board worked with the Housing and Sheltering Committee and consultant, Karen Sunnarborg, to analyze the need for affordable housing in Amherst and to make recommendations on how to meet those housing needs. The Housing Production Plan was been submitted to the state Department of Housing and Community Development and will help Amherst to continue to provide housing for people with low incomes.

Housing Market Study

During FY 13 the Planning Department and the Planning Board worked with the Housing and Sheltering Committee and consultants, RKG Associates, Inc., to prepare a Housing Market Study to analyze the need for market rate housing in Amherst and give recommendations on how to meet the housing needs.

On June 18, 2013, RKG Associates Inc. presented the draft Housing Market Study to a joint meeting of the Planning Board and Housing and Sheltering Committee.

Safe & Healthy Neighborhoods

In October 2013, the Town Manager announced the formation of a 15 member Safe and Healthy Neighborhoods Working Group, a representative body including Town staff, Town board members, UMass representatives, at-large citizens, landlords, and others. The task of the Working Group was to research and draft a new Residential Rental Property Bylaw to be considered by the 2013 Annual Town Meeting. The Planning Director was appointed as a member of this body and worked with his staff, Building Commissioner Rob Morra and Health Director Julie Federman to provide staff support for the Working Group and conduct the bulk of the drafting of the new bylaw.

The Working Group met 15 times between November 2012 and March 2013. Article 29, Residential Rental Property Bylaw, was adopted by the 2013 Annual Town Meeting on May 6.

Community Development

On July 18, 2012, the Planning Board held a joint meeting with the Community Development Advisory Committee to review the Draft 2013 Community Development Strategy (CDS), part of the process for the CDBG Grant Application. Nathaniel Malloy, Senior Planner, continued to work with the CDC to develop the Community Development Strategy and prepared the CDBG Grant Application for the next round of funding.

Disability Access Advisory Committee

The Disability Access Advisory Committee (DAAC) continued to review projects and provide advisory opinions and recommendations to the Massachusetts Architectural Access Board (AAB) for applications requesting waivers from compliance with accessibility standards. The Planning Department provides staff liaison to this committee, which also reviews applications for Site Plan Review and Special Permits that involve public access. Through the staff liaison, Nate Malloy, the DAAC makes recommendations to the Planning Board and Zoning Board of Appeals.

Open Space and Recreation Plan (OSRP)

Town staff and boards and committees continued to use the Town's Open Space and Recreation Plan (OSRP) to support grant applications for water supply protection, land conservation, and expansion and improvements to the Town's recreational facilities, in particular the LAND and PARC grant programs. The Plan is used in conjunction with the Master Plan to help determine areas most appropriate for land conservation and development, and helps guide zoning and other land-use policies. The OSRP is valid from 2009-2016, at which time it will need to be updated.

Historic Preservation

Throughout FY 13 Nathaniel Malloy, Senior Planner, worked with the LHDSC to develop a Local Historic District Bylaw for a new Dickinson Local Historic Districts, focused on the same area governed by the Dickinson National Historic Register District. The 2012 Annual Town Meeting adopted the Local Historic District Bylaw and established the Dickinson Local Historic District. The Dickinson Local Historic District Commission was established and began meeting and responding to applications during FY 13.

Further progress was made on ongoing historic preservation projects. The Planning Department continued to assist the Historical Commission with its ongoing implementation of the 2005 Amherst Preservation Plan, including the development of proposals for CPA funding for historic preservation projects. In FY 13, these proposed projects included the conservation of the Emily Dickinson dress and associated storage, conservation of historic recordings of Town Meeting, funds to restore the Tiffany window in the Unitarian Society meetinghouse, and targeted repairs for the Jones Library roof; Town Meeting appropriated a total of \$193,395 for these projects. The Historical Commission reviewed a proposal to demolish and 20th century barn at 290 Lincoln Avenue, holding two separate series of demolition delay public hearings on the matter, the second in response to a request by the Zoning Board of Appeals. Neighbors opposed to the demolition asserted a connection between the property and Sunset Avenue resident Robert Frost, but no such connection could be definitively established. The Commission determined the building to not be historically significant at both hearings, and the barn was subsequently taken down.

Downtown

In FY 13, the Planning Department continued to pursue downtown revitalization projects involving such issues as parking, public open space, historical issues, and public infrastructure projects.

The multi-year streetscape redesign and reconstruction of downtown sidewalks continued. The Planning Department assisted the Department of Public Works with development of designs for new sidewalk improvements in the downtown area.

The Department worked with the Tree Warden, Public Shade Tree Committee and others on downtown street tree issues and the development of designs for streetscape improvements in other areas.

Housing

The Planning Department assisted the newly-formed Housing and Sheltering Committee (HSC), Amherst Housing Authority (AHA), and the Community Preservation Act Committee with analysis and development of projects to protect existing affordable housing and provide for the creation of new affordable units. The HSC continued to review plans and CPA proposals for the development of affordable units of rental housing, as well as support the study of historic preservation and adaptive reuse of the Hawthorne property for affordable housing.

The Select Board had appointed the Housing and Sheltering Committee as a new committee in April 2012, with one representative from the former HP/FH Committee and one representative from the former Homelessness Committee. Planning Department staff continued to support the work at Olympia Oaks, the Hawthorne property at 235 East Pleasant Street, and other housing projects in town.

Senior Planner Nathaniel Malloy served as liaison to the Housing and Sheltering Committee (HSC), assisting them with the development of a management plan and an action plan. Many of the committee members were new to housing issues and the general workings of town, such that many of the first meetings were filled with trainings about CPA, CDBG, and the housing needs of the community.

Planning staff and the Planning Board's Zoning Subcommittee continued to research and further develop amendments to the Zoning Bylaw to encourage affordability in new residential development. See Zoning Amendments.

Rail Service in Amherst

Planning Department staff continued working on ensuring future rail access for Amherst in FY 13. The Department worked with the Central Corridor Coalition, the Central Corridor Working Group (a steering committee of the Coalition), the Pioneer Valley Regional Planning Commission, representatives of MassDOT, Planning Board members, and representatives of local MA communities to promote the improvement of the Central Corridor (the New England Central Railroad (NECR) line) to provide rail passenger access connecting Amherst with communities and institutions in western Massachusetts, Connecticut, and Vermont and, via a connecting rail stop at Palmer, with eastern Massachusetts and Boston.

Planning Department staff participated in meetings and public events in MA and CT in support of the Central Corridor project. Staff also helped to draft and coordinate letters of support from Amherst for federal rail transportation grants applied for by NECR, and coordinated efforts to include the Central Corridor as a regional transportation priority for the Pioneer Valley Planning Commission.

Office of Conservation and Development

During FY 13 the Department of Conservation and Development continued to further integrate staff of the Inspection Services Department, Planning and Conservation Departments and staff

of the Community Development Department into a single functional Department. Ruth Taylor, formerly Administrative Assistant to Roy Rosenblatt, Director of Community Development Department, who had retired in FY 12, joined the Department of Conservation and Development and began to serve as support staff to the Planning Department.

The effort to create the Office of Conservation and Development has provided a coordinated and efficient place for citizens, business owners, and potential applicants to access information and meet with staff members.

Collectively, these efforts have resulted in a significant consolidation of departments and resources into a single Office of Conservation and Development, which now includes Planning, Conservation, Inspection Services and Community Development.

STAFF ASSISTANCE/PARTICIPATION

Internal Staff Working Groups

During FY 13, Planning Department staff participated in the following internal staff working groups, among others:

- ◆ Development Group
- ◆ MUNIS Working Group
- ◆ Land Use Group (LUG)
- ◆ Safe and Healthy Neighborhoods Group

Boards and Committees

Planning Department staff provided professional support and technical assistance to numerous Town boards and committees, local and regional boards, as well as Amherst citizens, community groups, other communities, and others. The Town boards and committees directly served by the Planning Department staff in FY 13 included:

- ◆ Planning Board (27 meetings)
- ◆ Zoning Subcommittee (24 meetings)
- ◆ Design Review Board (10 meetings)
- ◆ Zoning Board of Appeals (39 meetings)
- ◆ Historical Commission (15 meetings)
- ◆ Disabilities Access Advisory Committee (11 meetings)
- ◆ Redevelopment Authority (1 meeting)
- ◆ Housing and Sheltering Committee, established April 2012 (replaced the Housing Partnership/Fair Housing Committee) (10 meetings)
- ◆ Community Development Block Grant Advisory Committee (9 meetings)
- ◆ Dickinson Local Historic District Commission (4 meetings)

Other committees or bodies for whom the Planning Department provided more occasional assistance in FY 13 include:

- ◆ Finance Committee
- ◆ Select Board
- ◆ Community Preservation Act Committee
- ◆ Public Shade Tree Committee
- ◆ Pioneer Valley Planning Commission
- ◆ Valley Development Council (PVPC-sponsored body)
- ◆ Joint Transportation Committee (PVPC-sponsored body)

- ◆ Sustainable Knowledge Corridor Transit-Oriented Development Advisory Group (PVPC-sponsored body)
- ◆ Amherst Regional Chamber of Commerce
- ◆ Amherst BID (Business Improvement District)

Community Development Block Grant (CDBG) Program

During FY 13, the Planning Department staff provided the primary support for managing CDBG projects and applying to the Massachusetts Department of Housing and Community Development (DHCD) for the Mini-Entitlement CDBG grants. Planning Department staff also assisted other Town departments, boards, and committees in developing project proposals, and in preparing and reviewing related potential CDBG projects. The CDBG grant helped to fund numerous social service programs ranging from childcare tuition assistance to the Big Brother/Big Sister mentoring program to the food pantry at the Survival Center to the establishment of a homeless shelter run by Craig's Doors. Additional CDBG activities included funding for replacement of flooring at the North Amherst School, a third phase of barrier removal associated with sidewalks on Main Street, and barrier removal for the East Street School building..

PLANNING BOARD MEMBERSHIP

During FY 13 and at the end of FY 13, the Planning Board had nine (9) members: David Webber (Chair), Jonathan O'Keeffe (Vice Chair), Bruce Carson (Clerk), Stephen Schreiber, Richard Roznoy, Robert Crowner, Sandra Anderson, Connie Kruger and Kathleen Ford. There were no vacancies.

Planning Department staff attended the March 2013 Citizen Planner Training Collaborative conference in Worcester.

PLANNING DEPARTMENT STAFF

Jonathan Tucker, Planning Director, completed his 28th year with the Department and continued to provide principal staff support to the Planning Board, Zoning Subcommittee, Town/Commercial Relations Committee, and Redevelopment Authority, as well as overseeing all activities within the Planning Department.

Christine Brestrup, Senior Planner, completed her 10th year with the Department and continued to provide staff support to the Planning Board, principal staff support to the Design Review Board and worked on various other Planning Department activities.

Sue Krzanowski, Administrative Assistant, completed her 25th year with the Department, offering administrative support to the Planning Department, Inspection Services, and Conservation in the consolidated Conservation and Development Department. She retired in May of 2013.

Jeffrey Bagg, Senior Planner, completed his 5th year with the Department and continued to provide principal staff support to the Zoning Board of Appeals. He worked on various other Planning Department activities, including Zoning Bylaw revisions and continued to enhance available online resources, integrated electronic transmittals into the review process and provided ZBA members with additional training.

Nathaniel Malloy, Senior Planner, completed his 5th year with the Department, providing principal support for conservation and planning grants, including the CDBG Mini-entitlement funds. He continued to support the DAAC, Historical Commission, Local Historic District Study Committee, HP/FH Committee and Community Development Committee. Mr. Malloy was promoted to the position of Senior Planner in 2013.

David Webber
Chair, Planning Board

Jonathan Tucker
Planning Director